



United States Department of Justice

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August 28, 2014

VIA CM/ECF

Hon. David N. Hurd
U.S. District Judge
Federal Building and U.S. Courthouse
10 Broad Street
Utica, New York 13501

Re: *United States v. Cantave*, 14-CR-41 (DNH)

Dear Judge Hurd:

I write to request a status conference in the above-referenced case. A jury trial is scheduled for October 6, 2014 in Utica, New York. Recent events in this case, however, suggest that the defendant may not intend to return to the United States to stand trial.

On July 18, 2014, the defendant asked that a long-scheduled suppression hearing be moved or that he be excused from attending. *See* Dkt. No. 32. The Court denied that request on July 22, 2014, and ordered that the defendant appear at the suppression hearing, or face possible arrest. *See* July 22, 2014 Min. Entry. That same day, in response to the Court's order, the defendant asked for permission to withdraw his motion to suppress. *See* Dkt. No. 36. In that request, defense counsel indicated he was unable to reach the defendant, and had information that the defendant was in Haiti and expected to return to Montreal, Canada on August 11, 2014. *Id.* The Court granted the defendant's motion to withdraw. *See* Dkt. No. 37. Subsequently, the parties communicated with the Court's staff about dates for a status conference after August 11, 2014. On August 26, 2014, defense counsel asked for permission to withdraw, stating "we have reason to believe that Mr. Cantave may not be attending the upcoming . . . status conference, or trial." *See* Dkt. No. 40. On August 28, 2014, the Court denied defense counsel's request to withdraw. *See* Dkt. No. 41.

In the interest of preserving the resources of the Court, members of the public who may be called to jury duty, as well as the parties, the government respectfully requests that the Court schedule a status conference, and that the defendant be ordered to appear at said status conference.

The undersigned is out of the office, for professional and then family obligations, between September 9th and 16th. Counsel for the defendant has indicated that he is unavailable between September 17th and 19th.

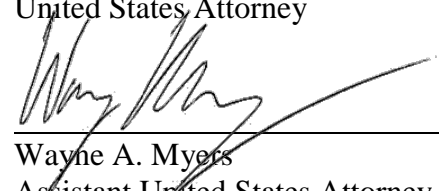
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Thank you for your consideration.

Respectfully submitted,

RICHARD S. HARTUNIAN
United States Attorney

By:



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